THE HONOUABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 14719 of 2006

Date:13-07-2007

Between:

Putta Ramalingeswara Rao .. **PETITIONER**

AND

Bharath Petroleum Corporation Ltd. Chennai and anther .. **RESPONDENTS**

ORDER:

The petitioner seeks a writ of mandamus to declare the alleged sale deed, dated 29.06.1967 is not enforceable as on today in the changed circumstances, depreciation of value of money, and letter dated 26.05.2005 of the first respondent, as illegal and arbitrary.

It is the case of the petitioner that his father Putta Narayana Rao being an illiterate and innocent initially executed a lease deed on 29.05.1967 in favour of the respondents to install filling station and other fittings for storage of petroleum over an extent of 39,750 square feet or 3710 square metres on G.N.T.Road National Highway No.5 of Lalacheruvu village of Rajahmundry of East Godavari District situated in R.S.No.173/1 and subsequently divided as R.S.No.173/1b for a period of 50 years. It is stated that his father is 82 years at that time and in fact, the property belongs to jointly family. It is stated that thereafter the said property was settled in favour of the petitioner vide settlement deed dated 10.05.2005. Thus, it is stated that the petitioner became the owner of the said property.

It is the case of the petitioner that there was default in payment of the rents even after lease deed and accordingly, the petitioner issued a legal notice for payment of default amount within one month and also to negotiate in respect of the conditions mentioned in the lease deed executed by his father. It is stated that pursuant to the said legal notice and the representation of the petitioner, dated 12.09.2005, a reply was given by the respondents on 26.10.2005 stating that the lease is valid up to 01.01.2017 and it is further renewable for a period of 50 years by operation of law and therefore, the enhancement of lease rent during the statutory tenancy is ruled out. It is further stated that the respondents are not in a position to vacate and surrender the possession of the premises till the expiry of the lease period.

The case of the petitioner is that this is one of such cases where serious hardship has been caused to the petitioner and his family members by taking advantage of the innocence, illiteracy and the old age of his father. The value during the year 1967 was meager, whereas the present value of the said premises has been increased by multiple figures and therefore, the petitioner contends that any amount of injustice is caused to obtain illegal lease deed by taking advantage of the position of his father.

I am not inclined to express any opinion with regard to the injustice and difficulties put to the petitioner and his family members. But, having regard to the facts and circumstances of the case, it is for the petitioner to make a fresh representation before the respondents seeking appropriate relief for rendering justice and for payment of proper rent in favour of the petitioner, and if any, such representation is made, it is for the respondents-Corporation to sympathetically consider and dispose of the same.

Accordingly, the writ petition is disposed of. No costs.

V.ESWARAIAH, J.

Date:13.07.2007
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